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7 **IN THE UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON AT TACOMA**

9 SHERI SWEENEY, QUI TAM PLAINTIFF, for and
10 on behalf of the United States of America,

11 Plaintiff,

12 vs.

13 MANORCARE HEALTH SERVICES, INC., a Delaware
14 corporation; "JOHN DOE(S)" 1 through 50; and "JOHN
DOE, INC.(S)" 1 through 5,

15 Defendants

NO. C03-5320 RJB

**STIPULATION AND AGREED ORDER
MODIFYING ORDER SETTING TRIAL,
PRETRIAL DATES AND ORDERING
MEDIATION**

16 **I. STIPULATION**

17 The parties seek an order modifying the dates set in this Court's Minute Order Setting Trial, Pretrial
18 Dates and Ordering Mediation entered on June 7, 2005 (Dckt. No. 40), on the grounds that the parties have
19 filed and served their initial disclosures and conducted their discovery conference pursuant to this Court's order
20 entered May 19, 2005 (Dckt. No. 36). They have also agreed on a discovery plan and are in the process of
21 serving, responding and/or supplementing written discovery propounded each to the other. Nonetheless, it
22 appears that additional time is necessary to allow the parties to thoroughly conduct discovery and trial
23 preparation. Neither party is prepared to comply with disclosure of expert testimony pursuant to FRCP
24 26(a)(2) at this time. They reasonably believe that they will be unable to comply with certain other deadlines
25 set during the summer and fall months.

26 **THEREFORE**, the parties seek a modification of the scheduling order setting the trial for May 29,

2006, and rescheduling of the Pretrial Dates and Ordering Mediation in a time line appropriate to a trial date of May 29, 2006.

DATED this 4th day of August, 2005.

LAW OFFICE OF DOUGLAS R. CLOUD

WILLIAMS, KASTNER & GIBBS PLLC

s/ Douglas R. Cloud

s/ Jan C. Kirkwood

DOUGLAS R. CLOUD, WSBA #13456
Attorney for Plaintiff

JAN C. KIRKWOOD, WSBA #11092
Attorney for Defendants ManorCare Health
Services, Inc., and Stacy Mesaros

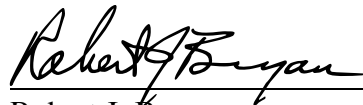
II. ORDER

Having read the above stipulation between the parties and the Court finding good cause to alter the Minute Order Setting trial, Pretrial Dates and Ordering Mediation as follows:

1. The trial date is scheduled for May 29, 2006.
2. That the Pretrial Dates and Ordering Mediation are scheduled in a time line appropriate to a trial date of May 29, 2006, as follows.

Event	From	To
Disclosure of expert testimony under FRCP 26(a)(2) (Plaintiff)	August 1, 2005	November 10, 2005
Disclosure of expert testimony under FRCP 26(a)(2) (Defendant)	August 20, 2005	December 1, 2005
All motions related to discovery must be FILED by	September 6, 2005	January 6, 2006
Discovery COMPLETED by	October 6, 2005	January 30, 2006
All dispositive motions must be FILED by	October 6, 2005	February 27, 2006
Settlement conference per CR 39.1(c)(2) HELD no later than	October 6, 2005	March 30, 2006
Mediation per CR 39.1(c)(3) HELD no later than	November 5, 2005	April 28, 2006
Letter of compliance as to CR 39.1 FILED by	November 12, 2005	May 5, 2006
FIVE DAY JURY TRIAL set for 9:30 a.m. on	December 5, 2005	May 30, 2006

1 **DONE IN OPEN COURT** this 5th day of August, 2005.

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4 Robert J. Bryan
5 United States District Judge

6 PRESENTED BY:

7 **LAW OFFICE OF DOUGLAS R. CLOUD**

8
9 s/ Douglas R. Cloud

10 **DOUGLAS R. CLOUD, WSBA #13456**
Attorney for Plaintiff

11 COPY RECEIVED; APPROVED AS TO
12 FORM; NOTICE OF PRESENTATION
WAIVED:

13 **WILLIAMS, KASTNER & GIBBS, PLLC**

14
15 s/ Jan C. Kirkwood

16 **JAN C. KIRKWOOD, WSBA #13456**
Attorney for Defendants ManorCare Health
Services, Inc., and Stacy Mesaros